

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JEFFREY BIGGS,

11 Petitioner,

No. CIV S-04-1169 FCD GGH P

12 vs.

13 ARNOLD SCHWARZENEGGER,

14 Respondent.

ORDER

15 _____/
16 Petitioner is a state prisoner proceeding through counsel with a petition for writ of
17 habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges the 2002 decision by the
18 Board of Prison Terms (BPT) finding him unsuitable for parole.

19 On May 1, 2006, petitioner filed a status report stating that on December 28,
20 2005, the BPT found him eligible for parole. On June 7, 2006, petitioner filed a status report in
21 CIV S-1439 FCD GGH P stating that on May 23, 2006, Governor Schwarzenegger reversed the
22 grant of parole.¹

23 /////
24 _____

25 ¹ Judicial notice may be taken of court records. Valerio v. Boise Cascade Corp., 80
26 F.R.D. 626, 635 n.1 (N.D. Cal. 1978), aff'd, 645 F.2d 699 (9th Cir.), cert. denied, 454 U.S. 1126 (1981).

1 Because Governor Schwarzenegger reversed the 2005 decision by the BPT
2 finding petitioner suitable for parole, petitioner shall show cause within twenty days from the
3 date of this order why the instant action should not be dismissed as moot.

4 Accordingly, IT IS HEREBY ORDERED that within fifteen days of the date of
5 this order, petitioner shall show cause why this instant action should not be dismissed as moot.

6 DATED: 9/20/06

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

7
8
9
10 big1169.osc
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26